

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

DELACY A. RYALS,

Plaintiff,

v.

NATALIE MURPHREE, *et.al.*,

Defendants.

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Case No. 4:22-cv-00011-CDL-MSH

**Proceedings Under 42 U.S.C. §1983
Before the U. S. Magistrate Judge**

ORDER

Pro se Plaintiff Delacy A. Ryals filed a document that was docketed as a 42 U.S.C. § 1983 complaint. ECF No. 1. Plaintiff did not pay the filing fee nor submit a motion to proceed *in forma pauperis*. On February 3, 2022, Plaintiff was ordered to recast his complaint on a § 1983 form and to either submit a motion to proceed *in forma pauperis* or pay the full filing fee. ECF No. 4. Plaintiff was given fourteen (14) days to respond and was informed that failure to comply would result in dismissal of his action. *Id.* Plaintiff failed to respond.

Therefore, on February 24, 2022, the Court notified Plaintiff that it had not received a response and ordered him to show cause why his action should not be dismissed for failure to comply and diligently prosecute his claims. ECF No. 6. The Court unambiguously informed Plaintiff that his action would be dismissed if he failed to respond. *Id.* Plaintiff was given fourteen (14) days to respond. Plaintiff did not file his amended complaint nor address the filing fee. Instead, on March 11, 2022, Plaintiff

submitted a letter in which he stated that he wanted to proceed with his case. ECF No. 7. The Court liberally construed the letter as a request for an extension of time and provided Plaintiff with an additional fourteen days to comply with this Court's order to amend the complaint and pay the filing fee. ECF No. 8. The Court notified the Plaintiff that if he failed to respond, this action would be dismissed. *Id.* Plaintiff again failed to respond.

Due to Plaintiff's failure to follow the Court's Orders and failure to prosecute this action, this case is hereby **DISMISSED WITHOUT PREJUDICE**. Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.").

SO ORDERED, this 5th day of April, 2022.

S/Clay D. Land

CLAY D. LAND, JUDGE
UNITED STATES DISTRICT COURT